

## **MINUTES**

### **Tennessee Board of Examiners for Land Surveyors**

The Tennessee Board of Examiners for Land Surveyors met on Thursday, May 25, 2006 at 9:00 am in Room 212 of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, TN.

Those present were David Mathews, Chairman; Sue Braly, Vice-Chairman; Jackie Dillehay, Board Member; David Cagle, new Board Member; Lauren Kitchell, Staff Attorney; and Donna Moulder, Administrative Director for the Board.

The meeting was called to order at 9:00 am by Chairman Mathews.

Jackie Dillehay gave a brief discussion on the meeting that was held by Meredith Sullivan, Assistant Commissioner on May 22, 2006 with the directors and board chairmen.

Jackie Dillehay made a motion that a policy be adopted by the board that the approved surveying course list, at the time the surveying education begins, be the approved list for that particular applicant. Sue Braly seconded the motion. The motion carried unanimously.

The board then reviewed minutes of the previous meetings.

Jackie Dillehay made a motion to approve the December 1, 2006 minutes as amended. Sue Braly seconded the motion. The motion carried unanimously.

Jackie Dillehay moved to accept the January 3, 2006 and the March 1-2, 2006 minutes as written. Sue Braly seconded the motion. The motion carried unanimously.

Sue Braly made a motion to approve the April 15, 2005 and September 8-9, 2005 minutes as written. David Mathews seconded the motion. The motion carried unanimously.

Jody Stone, Consumer Ombudsman for the Department of Commerce and Insurance, was present for the review of Bart Lay's application

After re-reviewing Bart Lay's application, the board determined that Mr. Lay needs 3 hours from List II and 15 hours from List III, for a total of 18 hours. The board informed Mr. Lay that his experience needs to be progressive and continuous, under a licensed surveyor and it's not just going out and measuring lines. It's everything, its deed work, it's the title work you have to do, it's dealing

with the clients, and it's just a whole "mess of things" that encompasses what surveyors do.

The board then met with Tim Burcham and Richard Shadden of the University of Tennessee at Martin met with the board to discuss the requirements for establishing a land surveying option at UT Martin.

#### **REQUEST FOR REAPPLICATION:**

- **John Duffer, TLS #1431** (expired 12-31-03) submitted an application to reapply for his Tennessee land surveyor's license, which expired on 12-31-03 due to the fact that he did not complete his continuing education. Mr. Duffer has continued to practice land surveying in Tennessee.

Jackie Dillehay made a motion to open a complaint against Mr. Duffer. Jackie Dillehay made a motion to have Donna Moulder, Administrative Director for the Board, sign the complaint form in the John Duffer matter. Sue Braly seconded the motion. The motion carried unanimously.

Jackie Dillehay then made a motion to issue Mr. Duffer a Consent Order and civil penalty of \$5000.00 for knowingly practicing land surveying without a license and that upon compliance and payment of the fine, Mr. Duffer's application will be approved and his license will be reissued. Mr. Dillehay also made a motion to have the staff attorney issue a Letter of Warning to Mr. Duffer. David Cagle seconded the motion. The motion carried unanimously.

#### **TESTING CONTRACT:**

The board discussed the testing contract which expires on June 30, 2006. David Mathews is going to write a letter to Eugene Neubert informing him that the board would like to continue to have Peter Messier administer both the national and Tennessee portions of the exam and to write and grade the Tennessee portion of the exam.

#### **COMPLAINTS:**

Lauren Kitchell, Staff Attorney, then presented the following complaints for review:

##### ***Complaint #200504270 –***

Sue Braly made a motion to dismiss this complaint. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #200600080 –***

Sue Braly made a motion to dismiss this complaint. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #200600081 –***

Sue Braly made a motion to dismiss this complaint. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #200600202 –***

Jackie Dillehay made a motion to table this complaint until the next meeting. David Cagle is to review this complaint and will have recuse himself from voting on the matter. Sue Braly seconded the motion. The motion carried unanimously.

***Complaint #200600524 –***

Sue Braly made a motion to dismiss this complaint. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #200600477 –***

Jackie Dillehay made a motion to dismiss this complaint. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #200600640 –***

Jackie Dillehay made a motion to table this complaint until the next meeting. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #200600952 –***

Jackie Dillehay made a motion to dismiss this complaint. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #200600981 –***

Jackie Dillehay made a motion to dismiss this complaint. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #2006001376 –***

Sue Braly made a motion to table this complaint until the next meeting. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #200419457 –***

Sue Braly made a motion to close and flag this complaint. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #200421106 –***

Jackie Dillehay made a motion to issue the respondent a Letter of Caution and close the complaint. David Cagle seconded the complaint. The motion carried unanimously.

***Complaint #200421458 –***

Jackie Dillehay made a motion to close and flag this complaint. David Cagle seconded the motion. The motion carried unanimously.

***Complaint #200601599 –***

David Cagle to review for presentation at the next scheduled meeting.

***REQUESTS FOR REAPPLICATION:***

- *Frank Thurston, TLS #728 (expired 1992)* – Jackie made a motion to table this matter until the next meeting. Sue Braly seconded the motion. The motion carried unanimously.
- *Joseph Williamson, TLS #2153 (expired 12-31-02)* – Jackie Dillehay made a motion that in order for Mr. Williamson to get his license reinstated, he must take and pass the Tennessee portion of the exam. Sue Braly seconded the motion. The motion carried 3-1.

The next meeting is scheduled for June 16, 2006.

There being no further business, the meeting was adjourned at 5:00 pm.

Respectfully submitted,

Donna Moulder  
Administrative Director

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David Mathews, Chairman

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Sue Braly, Vice-Chairman

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Jackie Dillehay

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David Cagle